

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION**

RETAIL SERVICE SYSTEMS, INC.,)	
)	
Plaintiff,)	Case No. 2:13-cv-00994
)	
v.)	Judge Smith
)	
CAROLINA BEDDING)	Magistrate Abel
DIRECT, LLC, <i>et al.</i>,)	
)	
Defendants.)	
)	

**APPLICATION OF PLAINTIFF RETAIL SERVICE SYSTEMS, INC. FOR DEFAULT
AGAINST DEFENDANT CAROLINA BEDDING DIRECT, LLC**

NOW COMES plaintiff Retail Service Systems, Inc. ("RSS"), pursuant to Fed. R. Civ. P. 55(a), and respectfully asks the Clerk of Court to enter default against defendant Carolina Bedding Direct, LLC ("Carolina Bedding"). The grounds for this application are set forth in the attached memorandum in support and affidavit, and a proposed entry of default is filed concurrently herewith.

Date: November 20, 2013

/s/ Shawn J. Organ
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*Attorneys for Plaintiff Retail Service
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MEMORANDUM IN SUPPORT

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Fed. R. Civ. P. 55(a). Plaintiff RSS filed suit against defendants Carolina Bedding and Mattress By Appointment, LLC on October 4, 2013. (ECF No. 1). RSS served Carolina Bedding with the complaint by certified mail on October 12, 2013. (Doc. No. 4). Pursuant to Fed.R.Civ.P. 12(a)(1)(A)(i), Carolina Bedding had 21 days, or until November 4, 2013 (since the twenty-first day fell on Saturday, November 2, 2013), to file a responsive pleading. Carolina Bedding has not done so, as indicated by the docket and in the attached affidavit of RSS’s counsel, Shawn J. Organ, Esq.

Accordingly, RSS asks the Clerk of Court to enter default against Carolina Bedding, per Federal Rule of Civil Procedure 55(a).

Dated: November 20, 2013

Respectfully submitted,

/s/ Shawn J. Organ

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*Attorneys for Plaintiff Retail Service Systems,
Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 20, 2013, a copy of the foregoing was filed with the Court's Electronic Filing System, which will notify all counsel of record. In addition, a copy of the foregoing was served upon the following by U.S. Mail:

Carolina Bedding Direct, LLC
c/o Statutory Agent Nicholas Lyle
5275 Cleves Warsaw Pike
Cincinnati, Ohio 45238

Mattress By Appointment, LLC
320 1st Street North, Apt. 904
Jacksonville Beach, Florida 32250

/s/ Shawn J. Organ

One of the attorneys for Plaintiff Retail Service
Systems, Inc.